UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

March 20, 1990

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Ms. Frances E. Phillips
Gardere & Wayne
Suite 1500
717 North Harwood Street
Dallas, Texas 75201

Dear Ms. Phillips:

This responds to your January 30 letter about the exclusion of storage tanks located in an underground area such as a basement, vault or tunnel from the underground storage tank requirements of Subtitle I of the Resource Conservation and Recovery Act. Specifically, you wanted to know if language in the UST rule's preamble about the underground area exclusion was intended to imply that tanks in vaults are no different than above-ground tanks and should be regulated as such.

The preamble's reference to tanks in vaults as being, in a practical sense, no different from above-ground tanks was simply meant to contrast vaulted systems as basically free from the problems that attend underground storage tanks and cause them to leak. External galvanic point corrosion, improper backfill support, and installation, hidden-from-view piping failures, and spills and over-fills into the environment are the main problems addressed by the UST regulations. In contrast, vaulted tanks are thicker tanks subject to different manufacturing codes than USTs , are not subject to accelerated point corrosion, do not have backfill support and installation problems, are fully able to be visually inspected (Unlike USTs), and should contain spills and overfills from leaking into the environment. Thus, it is really unnecessary to apply the UST requirements to vaulted tnanks systems. The Agency focused on the ability to physically inspect vaulted tank systems as the distinguishing factor that is easily used by EPA to establish if any particular tank system is within the law's underground area exclusion.

Our preamble discussion was not intended to imply that vaulted systems should be regulated the same as above-ground tanks, (to the extent there may be federal, state, or local above-ground tank requirements now or in the future). Your typical above-ground tank is not in an enclosed space that is completely contained by a

concrete barrier. Thus, the application of above-ground tanks Standards to the relatively new design concept of vaulted tank Systems may not be technical appropriate. For example, some major American corporations who are very concerned with environmental liability issues (such as IBM) have decided to have exclusively use vaulted tank systems because they are believed to be a relatively protective storage approach, and perhaps even more fault-free than above-ground storage tank operations that most often rest on top of the ground and are surrounded by a man-made berm.

I hope this removes your confusion and clarifies why we mentioned above-ground tanks in the UST regulation preamble discussion of the underground Area exclusion and its applicability to vaulted tanks. In summary, it was simply meant to point out that above-ground tanks and vaulted tanks are similarly inspectable and therefore not subject to the common failure modes of UST systems.

Sincerely,

/s/

Ronald Brand, Director
Office of Underground Storage Tanks